

January 23, 2015

Via ECF and Electronic Mail

Honorable Richard J. Sullivan
United States District Court
Thurgood Marshall United States Courthouse
40 Foley Square, Room 2104
New York, New York 10007

Re: *Next Comms. Inc., et al v. Viber Media, Inc.*, No. 1:14-cv-08190-RJS

Dear Judge Sullivan:

Earlier this afternoon, I served a letter via ECF and Electronic Mail requesting that my partner, Carlos Nunez, be permitted to (a) attend the initial status and pre-motion conference ("Conference") scheduled for Thursday, February 5, 2015, and (b) to appear telephonically. In the alternative, I requested that the Court reschedule the hearing.

I further advised the Court that at the time the letter was transmitted to the Court, I had not heard from Viber's counsel regarding whether he had an objection to allowing Next's counsel to appear at the Conference telephonically.

Shortly after I served the letter, I received an email from Viber's counsel indicating that he has no objection to Mr. Nunez appearing at the Conference telephonically if it is acceptable to the Court. He further advised that if the Court is inclined to reschedule the Conference, he will be out of the country the week of February 16.

Respectfully Submitted,



Daniel Foodman